



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

November 21, 2011

Naval Facilities Engineering Command, Northwest
ATTN: Ms. Christine Stevenson
EHW-2 EIS Project Manager
1101 Tautog Circle
Silverdale, Washington 98315-1101

Re: U.S. Environmental Protection Agency (EPA) comments on the U.S. Navy (Navy) Trident Support Facilities Explosives Handling Wharf (EHW-2) Draft Supplemental Environmental Impact Statement (DSEIS). EPA Project Number: 09-024-DOD.

Dear Ms. Stevenson:

The EPA has reviewed the Navy's EHW-2 DSEIS and we are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Under our policies and procedures, we evaluate the environmental impact of the proposed action and the adequacy of the impact statement. We have assigned an Environmental Concerns – Insufficient Information (EC-2) rating to the DSEIS. A copy of the EPA rating system is enclosed.

In our May 17, 2011 comments on the Draft EIS (DEIS)¹ we stated that our primary environmental concern with the project is the unavoidable high sound levels associated with pile driving that would adversely impact fish, marine mammals, and other wildlife. This environmental concern remains because the DSEIS's updated analysis did not result in changes to estimated construction exposures, operational effects, or, the Navy's Endangered Species Act determinations.²

The DSEIS's mitigation update addresses several, but not all, of our DEIS compensatory mitigation recommendations. DSEIS Table 4-1 'Mitigation for Impacts to Aquatic Habitat and Waters of the U.S.', for example, is directly responsive to our recommendation for a table which discloses the impacts and activities that would be subject to Clean Water Act (CWA) Section 404 requirements. Also, the DSEIS's information on the Dabob Bay, Shine Tideland, and, Dosewallips mitigation alternatives is responsive to our recommendation for additional information on potential compensatory mitigation projects and sites. We appreciate these updates.

We remain concerned about the EIS's compensatory mitigation for impacts to aquatic resources information in the following two ways.

1. We are concerned that the EIS does not sufficiently link facts and analysis which directly support DSEIS Table 4-1's anticipated conclusion that "...no habitat or plant communities will be substantially altered by the shading in deep water." We are also concerned that the apparently

¹ [http://yosemite.epa.gov/oeca/webeis.nsf/\(PDFView\)/20110080/\\$file/20110080.PDF?OpenElement](http://yosemite.epa.gov/oeca/webeis.nsf/(PDFView)/20110080/$file/20110080.PDF?OpenElement)

² DSEIS, Section 3.1.4 Summary of Impacts

necessary degree of alteration appears to be "substantial." CWA Section 404's aim is to achieve no net loss, not no 'substantial' net loss.

Recommendations:

- We recommend that the FEIS include facts and analysis supporting the conclusion that no habitat or plant communities (including, but not limited to, sessile benthic organisms) will be altered.
 - We recommend that the FEIS more clearly define the degree of alteration of habitat or plant communities which would occur and potentially affect requirements for compensatory mitigation for those impacts as part of CWA Section 404.
2. We agree with DSEIS Section 4.4's assertion that the Navy will meet compensatory mitigation requirements for unavoidable direct impacts to aquatic resources. We are concerned, however, that the methods and results of the cited feasibility analysis – a key component of ensuring that requirements are met – are not disclosed in the EIS.

Recommendation:

- We recommend that the FEIS disclose the methods and results of the feasibility analysis for compensatory mitigation sites cited in Section 4.4 of the DSEIS. Such a disclosure would help to address our DEIS recommendation for the FEIS to, "Describe the aquatic resource types that would be provided as compensation at different sites and how this combination of resource type and mitigation site would likely offset the aquatic resource impacts of the EHW-2 project."

As this project involves the development and redevelopment of numerous facilities, we have enclosed a list of Federal "green" requirements and opportunities that may be applicable to the project.

Thank you for this opportunity to provide comments and if you have any questions, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov. For Clean Water Act Section 404 questions please contact Linda Storm at (206) 553-6384 or by electronic mail at storm.linda@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosures
EPA Detailed Comments for the EHW-2 DSEIS
EPA Rating System for Draft Environmental Impact Statements

U.S. EPA DETAILED COMMENTS ON THE U.S. NAVY EXPLOSIVES HANDLING WHARF DSEIS

Federal "Green" Requirements

We recommend that the FEIS account for the following list of specific federal "green" requirements and opportunities which may be applicable to the Project.

High Performance Buildings

- Executive Order (E.O.) 13423 requires federal agencies to achieve certain goals to strengthen environmental management. New construction or major renovation must comply with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings (Guiding Principles).³
- E.O. 13514 extends E.O. 13423 and has a goal of creating a clean energy economy and encourages agencies to consider cost effective and innovative sustainable designs.⁴

Energy Efficiency

- Energy Independence and Security Act of 2007 (EISA) revised many acts and establishes energy management goals and requirements for federal facilities.⁵ Under EISA amendments to the National Energy Conservation Policy Act, agencies are required to reduce building energy consumption by three percent annually through 2015 or by a thirty percent total reduction by 2015 (2003 baseline).⁶ Under the EISA amendments to the Energy Conservation and Production Act, new federal buildings and federal buildings undergoing major renovations, shall be designed so that fossil fuel-generated energy consumption is reduced by 65 percent as of 2015, 80 percent as of 2020, 90 percent as of 2025, and 100 percent as of 2030 (2003 baseline).⁷
- The National Energy Conservation Policy Act requires any large capital investment in an existing building that involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, to employ the most energy efficient designs and equipment.⁸
- The National Energy Conservation Policy Act requires federal energy managers to conduct comprehensive energy evaluation for each facility at least once every four years.⁹

Renewable Energy

- Under E.O. 13423, federal agencies must ensure that at least half of the statutorily required renewable energy consumed by the agency in a fiscal year comes from new renewable sources.¹⁰ New sources of renewable energy, such as energy produced by solar, wind, biomass, landfill gas, geothermal, or municipal solid waste, are those placed into service after January 1, 1999.¹¹
- The Energy Conservation and Production Act provides specific applications of E.O. 13423's

³ E.O. 13423, Strengthening Federal Environmental, Energy, and Transportation Management, Section 2(f)(2007)

⁴ E.O. 13514, Federal Leadership in Environmental, Energy, and Economic Performance (2009)

⁵ Energy Independence and Security Act of 2007, 42 U.S.C. § 17061 *et seq.* (2009)

⁶ National Energy Conservation Policy Act, 42 U.S.C. § 8253(a)(1)(2009)

⁷ Energy Conservation and Production Act, 42 U.S.C. § 6834(a)(3)(D)(2009)

⁸ National Energy Conservation Policy Act, 42 U.S.C. § 8253(f)(1)(2009)

⁹ National Energy Conservation Policy Act, 42 U.S.C. § 8253(f)(3)(A)(2009)

¹⁰ E.O. 13423, Section 2(b)(2007)

¹¹ *Id.*, Section 9(g)-(h)

goals to implement “life cycle cost-effective” measures.¹² For example, the Energy Conservation and Production Act provides that if the life-cycle cost of a product, project, or measure are estimated to be equal to or less than the current or standard practice of product, “not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing major renovation be met through the installation and use of solar hot water heaters.”¹³

Water Conservation

- The National Energy Conservation Policy Act requires federal energy managers to conduct comprehensive water evaluation for each facility at least once every four years.¹⁴
- The Guiding Principles encourage agencies to, “Employ strategies that in aggregate use a minimum of 20 percent less potable water than the indoor water use baseline calculated for the building, after meeting the Energy Policy Act of 1992 fixture performance requirements.”¹⁵ For outdoor water, the Guiding Principles encourage agencies to, “Use water efficient landscape and irrigation strategies, including water reuse and recycling, to reduce outdoor potable water consumption by a minimum of 50 percent over that consumed by conventional means (plant species and plant densities).”¹⁶
- E.O. 13514 sets goals to reduce “potable water consumption intensity by 2 percent annually through fiscal year 2020, or 26 percent by the end of fiscal year 2020, relative to a baseline of the agency’s water consumption in fiscal year 2007, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers.”¹⁷

Waste Diversion

- E.O. 13514 sets goals to minimize waste generation by diverting 50 percent of non-hazardous solid waste from disposal by the end of fiscal year 2015.¹⁸ The Guiding Principles also encourage the use of products and materials with recycled content and products that meet or exceed the EPA’s recycled content recommendations.¹⁹

Stormwater Runoff

- Under the new Section 438 of the Energy Independence and Security Act of 2007 (EISA), federal agencies have new requirements to reduce stormwater runoff from federal development and redevelopment projects to protect water resources. Federal agencies can comply using a variety of stormwater management practices often referred to as “green infrastructure” or “low impact development” practices, including for example, reducing impervious surfaces, using vegetative practices, porous pavements, cisterns and green roofs.²⁰

¹² *Id.*, Section 2(c)(2007)

¹³ Energy Conservation and Production Act, 42 U.S.C. § 6834(a)(3)(A)(2009)

¹⁴ National Energy Conservation Policy Act, 42 U.S.C. § 8253(f)(3)(A)(2009)

¹⁵ http://www.epa.gov/oaintrnt/documents/sustainable_mou_508.pdf

¹⁶ *Id.*

¹⁷ E.O. 13514, Section 2(d)(i)(2009)

¹⁸ E.O. 13514, Section 2(e)(ii)(2009)

¹⁹ http://www.epa.gov/oaintrnt/documents/sustainable_mou_508.pdf

²⁰ Energy Independence and Security Act of 2007, 42 U.S.C. § 17094; U.S. Environmental Protection Agency, Technical Guidance on Implementing the Stormwater Runoff Requirements for Federal Projects under Section 438 of the Energy Independence and Security Act, URL: www.epa.gov/owow/nps/lid/section438 (2009) (citing the 95th percentile rainfall event and site-specific hydrologic analysis as two options to achieve stormwater compliance)

LEED Certification

- The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is a third-party certification program for the design, construction and operation of high performance green buildings. LEED awards four levels of certification for existing buildings – certified, silver, gold, and platinum – based on factors including water efficiency, energy consumption, sustainable building materials, innovative design strategies, and indoor environmental quality.²¹ Many federal agencies mandate LEED certifications for construction projects that exceed certain costs.²² For example, GSA has selected LEED-Silver certification as the standard that all their new buildings and major renovations must achieve. Consider also that the Department of the Interior signed a Memorandum of Understanding with the USGBC supporting the use of LEED for Existing Buildings.

Federal Green Challenge

- The U.S. EPA Region 10 has developed a voluntary partnership program with federal facilities to assist them in meeting their Executive Order commitments. There are currently 22 agency partners representing hundreds of facilities. In the first year, partners reduced an estimated 26,000 metric tons carbon dioxide equivalent, which is equivalent to the greenhouse gas emissions savings of removing 4,500 automobiles from the road for a year, and saved approximately \$850K. For more information, including how to join, please see the website: www.epa.gov/federalgreenchallenge

²¹ USGBC: LEED for Existing Buildings, at <http://www.usgbc.org>

²² USGBC: LEED Public Policies, at <http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1852#federal>.

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987